



Montana Secretary of State Corey Stapleton

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Rule: 44.3.2511

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Rule Title: ELECTRONIC TRANSMISSION OF VOTING MATERIALS

Department: [SECRETARY OF STATE](#)

Chapter: [ELECTIONS](#)

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Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

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44.3.2511 ELECTRONIC TRANSMISSION OF VOTING MATERIALS

(1) County election administrators shall allow covered voters to receive and transmit election materials electronically, as long as the security of transmission and identity of each elector is confirmed and facilities are available to maintain the accuracy, integrity, and secrecy of the ballot process. The following procedures shall be followed, wherever applicable, in regard to the receipt and transmission of election materials electronically:

(a) A county election administrator must use the secretary of state's electronic absentee system or the election administrator's own system that is secure from unauthorized access.

(b) When an election administrator receives a valid request for electronic transmission of a ballot from a covered voter, the election administrator shall, subject to (1), e-mail instructions to the elector on how to access the Secretary of State's electronic transmission system if the system is available for the election, or send a ballot electronically along with instructions to the elector, and a transmittal cover sheet that includes an elector affirmation. The original ballot, as applicable, shall be retained in a secure absentee envelope or container for that purpose.

(c) The election administrator shall keep an official log of all ballots transmitted and received electronically.

(d) If the received ballot is acceptable, the election administrator shall log in the receipt of the ballot and place it in the secure absentee envelope or container with the original ballot, if applicable, until the ballots are ready to be transcribed. The transmittal cover sheet with affirmation must be retained in a sealed envelope or container separately from the ballot.

(e) The receipt of electronically submitted ballots must be entered into the statewide voter registration system and a ballot shall be issued from the statewide voter registration system, if applicable, within three business days of receipt so that the covered voter may track the receipt of their ballot as required by federal law on the system designed for that purpose.

(f) On or before election day, the election administrator shall have the returned ballots transcribed, as applicable, using the procedure prescribed below.

(g) The voted ballot must be transcribed in a manner that ensures that no one transcribing the ballot has access to the name of the elector who voted the ballot.

(h) No less than three election officials shall participate in the transcription process to transfer the elector's votes from a received ballot, as applicable, to the standard ballot used in the precinct.

(i) An electronically transmitted ballot identifying number shall be written on the original transcribed ballot, the electronically transmitted ballot, and in the official transcription log.

(j) The election officials who transcribed the electronically transmitted ballot shall sign the log for each ballot they transcribe.

(k) No one participating in the electronic ballot transmission or transcription process may reveal any information about the elector's identity or the votes on the elector's ballot.

(2) Nothing in this rule shall prohibit a county election official from participating in any secure program for facilitating voting by covered voters which is sponsored by an agency of the federal government.

History: [13-21-104](#), MCA; [IMP](#), [13-21-104](#), MCA; [NEW](#), 2006 MAR p. 2671, Eff. 10/27/06; [AMD](#), 2008 MAR p. 1329, Eff. 6/27/08; [AMD](#), 2013 MAR p. 1700, Eff. 1/1/14; [AMD](#), 2015 MAR p. 1286, Eff. 10/1/15.



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Rule: 44.3.2501

Rule Title: COVERED VOTERS

Department: [SECRETARY OF STATE](#)

Chapter: [ELECTIONS](#)

Subchapter: [Montana Absent Uniformed Services and Overseas Voter Act](#)

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44.3.2501 COVERED VOTERS

(1) The following rules shall be followed, consistent with the Montana Absent Uniformed Services and Overseas Voter Act, Title 13, chapter 21, MCA, in regard to covered voters:

(a) pursuant to [13-21-223](#), MCA, there is no limit on the earliest date that a covered voter may request an absentee ballot;

(b) covered voters must be given priority to be sent ballots as soon as they are available, if possible before the deadline for making them available;

(c) in elections for which a voter information pamphlet is required, election administrators must notify covered voters that the voter information pamphlet is available online, which can be accomplished through either:

(i) the absentee instructions; or

(ii) a special insert in materials provided to the absentee elector.

History: [13-21-104](#), MCA; [IMP](#), [13-21-104](#), [13-21-223](#), MCA; [NEW](#), 2004 MAR p. 93, Eff. 1/16/04; [AMD](#), 2010 MAR p. 1545, Eff. 6/25/10; [AMD](#), 2012 MAR p. 760, Eff. 4/13/12; [AMD](#), 2013 MAR p. 1700, Eff. 1/1/14.

MAR Notices	Effective From	Effective To	History Notes
44-2-187	1/1/2014	Current	History: 13-21-104 , MCA; IMP , 13-21-104 , 13-21-223 , MCA; NEW , 2004 MAR p. 93, Eff. 1/16/04; AMD , 2010 MAR p. 1545, Eff. 6/25/10; AMD , 2012 MAR p. 760, Eff. 4/13/12; AMD , 2013 MAR p. 1700, Eff. 1/1/14.
44-2-180	4/13/2012	1/1/2014	History: 13-21-103 , MCA; IMP , 13-13-205 , 13-21-103 , 13-21-201 , MCA; NEW , 2004 MAR p. 93, Eff. 1/16/04; AMD , 2010 MAR p. 1545, Eff. 6/25/10; AMD , 2012 MAR p. 760, Eff. 4/13/12.
44-2-151	6/25/2010	4/13/2012	History: 13-21-103 , MCA; IMP , 13-13-205 , 13-21-201 , MCA; NEW , 2004 MAR p. 93, Eff. 1/16/04; AMD , 2010 MAR p. 1545, Eff. 6/25/10.
	1/16/2004	6/25/2010	History: 13-21-104 , MCA; IMP , 13-21-201 , MCA; NEW , 2004 MAR p. 93, Eff. 1/16/04.

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